(47)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 7287 of 2007

PETITIONERS

1. Keshav Das Manikpuri, Son of Tribhuvan Das Manikpuri, aged about 40 years, presently posted as Assistant Teacher, Govt. Middle School Charmudiya, Block Kurud, District Dhamtari (C.G.)
2. Nand Kumar Sinha, Son of Sukaluram Sinha, aged about 43 years, presently posted as Assistant Teacher, Govt. Primary School Kuhkuha, Block Kurud, District Dhamtari (C.G.)
3. Ravishankar Sahu, Son of Sagar Ram Sahu, aged about years, presently posted as Assistant Teacher, Govt. Primary School Gatapar Sirri, Block Kurud, District Dhamtari (C.G.)
4. Satyaprakash Wani, Son of Peter Wani, aged about 38 years, presently posted as Assistant Teacher, Govt. Primary School Dandesara, Block Kurud, District Dhamtariu (C.G.)
5. Vednath Chandrakar, Son of Laxminarayan Chandrakar, aged about 49 years, presently posted as Assistant Teacher, Govt. Primary School Balak, Kurud, Block Kurud, District Dhamtari (C.G.)
6. Bhagwant Rao Mandrey, Son of Nago Rao Mandrey, aged about years, presently posted as Assistant Teacher, Govt. Primary School Medharaka, Block Kurud, District Dhamtari (C.G.)
7. Pawan Kumar Banskar, Son of Ramratan Banskar, aged about years, presently posted as Assistant Teacher, Govt. Middle School Shankri, Block Kurud, District Dhamtari (C.G.)
8. Devanand Banskar, Son of Chaituram Banskar, aged about years, presently posted as Assistant Teacher, Govt. Middle School Kathauli, Block Kurud, District Dhamtari (C.G.)
9. Prakash Chand Sahu, Son of Narayan Ram Sahu, aged about years, presently posted as Assistant Teacher, Govt. Primary School Kathauli, Block Kurud, District Dhamtari (C.G.)
10. Salikram Sahu, Son of Hariram Sahu, aged about 50 years, presently posted as Assistant Teacher, Govt. Primary School Mandraud, Block Kurud, District Dhamtari (C.G.).
11. Kuleshwar Sinha, Son of Ramratan Sinha, aged about 50 years, presently posted as Upper Division Teacher, Govt.

Girls Higher Secondary School Kurud, District Dhamtari (C.G.)

12. Prakash Chand Sen, Son of Kanshiram Sen, aged about years, presently posted as Assistant Teacher, Govt. Middle School Boys Charmudiya, Block Kurud, District Dhamtari (C.G.)
13. Bihari Lal Nishad, Son of Sakharam Nishad, aged about 47 years, presently posted as Assistant Teacher, Govt. Primary School Khapri (Silauti), Block Kurud, District Dhamtari (C.G.)
14. Smt. Damyanti Sahu, Wife of Jageshwar Sahu, aged about 48 years, presently posted as Assistant Teacher, Govt. Primary School Sidhaurikhurd, Block Kurud, District Dhamtari (C.G.)
15. Nandlal Kenwat, Son of Brijlal Kenwat, aged about 45 years, presently posted as Assistant Teacher, Govt. Navin Primary School Block Kurud, District Dhamtari (C.G.)
16. Beniram Chandrakar, Son of Kheduram Chandrakar, aged about 47 years, presently posted as Assistant Teacher, Govt. Primary School Gadadeeh, Block Kurud, District Dhamtari (C.G.)
17 Meghnath Sahu, Son of Hariram Sahu, aged about 49 years, presently posted as Assistant Teacher, Govt. Primary School Gadadeeh, Block Kurud, District Dhamtari (C.G.)
18. Smt. Indu Dewangan, Wife of D.P. Dewangan, aged about 40 years, presently posted as Assistant Teacher, Govt. Primary School Bhathagaon, Block Kurud, District Dhamtari (C.G.)
19. Ashok Chandrakar, Son of Jagatpal Chandrakar, aged about 35 years, presently posted as Assistant Teacher, Govt. Primary School Bhathagaon, Block Kurud, District Dhamtari (C.G.)

Versus

RESPONDENTS

1 State of Chhattisgarh, Through: The Secretary, Department of School Education, D.K.S Bhawan, Raipur (C.G.)

2 The District Education Officer, Dhamtari (C.G.)

3 The Block Education Officer, Kurud, District Dhamtari (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri P.K. Tuslyan, counsel for the petitioners.

Shri Pradeep Singh, Panel Lawyer for the State on advance copy.

ORAL ORDER
(10.12.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed D.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}***. He submits that the case of the petitioners is squarely covered by the said judgment.

This legal position is not disputed by the learned counsel for the State. However, she submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired D.Ed. Examination Certificate on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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